HIGH COURT OF UTTARANCHAL AT- NAINITAL

Writ Petition No. 225(S/S)2004

Smt. Poonam Rajdeep W/o Sri Rajdeep Verma,
R/o 22/94, Sahukara Line, Haldwani,
District Nainital. ……Petitioner.

Vs

District Institute of Education Training,
Bhimtal, District Nainital,
And three others. ……Respondents.

Sri Man Mohan Tewari, learned counsel for the petitioner,
Learned Standing counsel for the respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri Man Mohan Tewari, learned counsel for the petitioner and Sri B.D. Kandpal, learned Standing Counsel for the respondent.

By means of this writ petition, the petitioner has prayed for a writ, order or direction in the nature of mandamus commanding the respondents to select the petitioner for Special B.T.C. Training pursuant to the advertisement dated 24.07.2003.

On 17.03.2004, this Court has passed the order directing the respondents to admit the petitioner in Special B.T.C. Training Course, if the petitioner is permanent resident of Uttaranchal and fulfills the other requirements of the advertisement. The requirements mentioned in the advertisement are mainly that the person should be permanent resident of the State of Uttaranchal and should have passed B.Ed. Course from the recognized University.

Contention of the petitioner is that he is permanent resident of State of Uttaranchal and belongs to O.B.C. category. The petitioner has further submitted that he has passed his B.Ed. certificate from Banglore University.

The respondents have filed a counter affidavit. Learned Standing Counsel has submitted that an G.O. was issued by the State of Uttaranchal on 20th November 2001 regarding issuance of certificates to the permanent residents of the State of Uttaranchal and certain conditions have been imposed in the said G.O. The petitioner has submitted that he has already filed his permanent residence certificate which was issued by the S.D.M., Haldwani on 08.06.2001 and that has

been issued prior to the issuance of the said G.O. dated 20th November 2001.

Counsel for the petitioner has further submitted that prior to her marriage the petitioner was 'Negi' by caste which does not fall in the OBC category. However, after marriage, she should be treated as OBC because her husband is 'Verma' by caste, which falls in the OBC category. So far the O.B.C. certificate is concerned, the petitioner could not show that she is an O.B.C. candidate by birth.

So far as the certificate of B.Ed. from Banglore is concerned, learned Standing Counsel could not show that the University from which the petitioner has passed the B.Ed. course is not a recognized University. It is not clear from the G.O. as to whether the State of Uttaranchal has permitted the candidates who have passed B.Ed. certificate through corresponding course from outside the State of Uttaranchal or State of U.P. are eligible to be selected for the Special B.T.C. training.

So for as the certificate of permanent resident of Uttaranchal State is concerned, the petitioner has filed the certificate issued by the competent authority, which has been issued on 08.06.2001.

Learned Standing Counsel has submitted that the Government has issued a G.O. dated 20th November 2001 specifying all the conditions when a certified to that effect can be issued. And since the certificate submitted by the petitioner which has been obtained earlier to the G.O, will not be applicable, therefore, in view of these facts, the petitioner is not entitled to be selected.

The State of Uttaranchal has issued one G.O. after another in respect of the eligibility of the candidates to be selected having B.Ed. certificate and have passed their B.Ed. course either through corresponding course or through regular course, from State of U.P./Uttaranchal and outside the State of U.P.

In the circumstances, it is provided that if the Institution from where the petitioner has passed his B.Ed. degree, is covered by the aforesaid G.O. and further in case the petitioner submits the domicile certificate within fifteen days in the prescribed proforma as stated in the G.O. dated 20th November 2001, the candidature of the petitioner shall

be considered for selection for Special B.T.C. course. In case the petitioner submits certificate belonging to O.B.C. category, she shall be treated as O.B.C., otherwise shall be treated as general candidate.

Learned Standing Counsel has submitted that the course for special B.T.C. has started long back. In the circumstances, it is directed that if any selection is made for Special B.T.C. training in near future, the petitioner shall be considered on furnishing the aforesaid documents.

With these directions, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

July 27. 2004.
NCM: